

**ARIZONA FIRE & MEDICAL AUTHORITY  
LOCAL PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM  
BOARD MEETING**

**Tuesday, February 20, 2020**

**MINUTES**

**1. CALL TO ORDER / ROLL CALL OF BOARD MEMBERS / AFFIRMATION OF QUORUM**

Board Chairman Wilson called the meeting to order on Tuesday, February 20, 2020, at 10:05 a.m. at the Arizona Fire & Medical Authority Administrative Office, 18818 N. Spanish Garden Drive, Sun City West, Arizona 85375.

Members Present: Board Chairman David Wilson and Board Members Jesus Bravo, Diane Cheney and Diane Price

Members Absent: Board Member Shawn Holcomb

Staff Present: Human Resource Manager Shauna Fisher, Human Resource Specialist Faye Morcom and Authority Clerk Dusty Christopherson

Legal Counsel: William Whittington

Guests: Raymond Franco, Emily Franco, Dale Norris and Court Reporter Ashley Stahl

**2. CONSENT AGENDA**

**A. Approval of Revised Minutes of the Board Meeting of September 16, 2019.**

**Board Member Cheney moved that the Governing Board approve the revised Minutes of September 16, 2019. Board Member Bravo seconded the motion.**

Vote conducted. **MOTION CARRIED.**

**AYES:** Bravo, Cheney, Price, Wilson

**NAYS:** None

**ABSENT:** Holcomb

**B. Approval of Executive Session Minutes of the Board Meeting of September 16, 2019.**

**Board Member Price moved that the Governing Board approve the Executive Session Minutes of September 16, 2019. Board Member Bravo seconded the motion.**

Vote conducted. **MOTION CARRIED.**

AYES: Bravo, Cheney, Price, Wilson  
NAYS: None  
ABSENT: Holcomb

C. Approval of Minutes of the Board Meeting of October 29, 2019.

**Board Member Cheney moved that the Governing Board approve the Minutes of October 29, 2019. Board Member Price seconded the motion.**

Vote conducted. **MOTION CARRIED.**

AYES: Bravo, Cheney, Price, Wilson  
NAYS: None  
ABSENT: Holcomb

D. Approval of Executive Session Minutes of the Board Meeting of October 29, 2019.

**Board Member Cheney moved that the Governing Board approve the Executive Session Minutes of October 29, 2019. Board Member Price seconded the motion.**

Vote conducted. **MOTION CARRIED.**

AYES: Bravo, Cheney, Price, Wilson  
NAYS: None  
ABSENT: Holcomb

3. **POSSIBLE VOTE TO GO INTO EXECUTIVE SESSION**

**Board Member Cheney moved that the Local Public Safety Personnel Retirement System Governing Board convene into Executive Session for personnel matters pursuant to A.R.S. 38-431.03 (A)(1); review of records exempt from public inspection pursuant to A.R.S. 38-431.03 (A)(2); and for legal advice pursuant to A.R.S. 38-431.03 (A)(3) regarding Accidental Disability Application submitted by Raymond Franco and review of the Independent Medication Examination. Board Member Bravo seconded the motion.**

Vote conducted. **MOTION CARRIED.**

AYES: Bravo, Cheney, Price, Wilson  
NAYS: None  
ABSENT: Holcomb

The Local Public Safety Personnel Retirement System Board adjourned to convene into Executive Session at 10:10 a.m.

Regular Session reconvened at 11:26 a.m.

#### 4. **RECONVENE INTO PUBLIC SESSION**

- A. Discussion and Possible Action re: Rehearing on Accidental Disability Retirement Application submitted by Raymond Franco; review of Independent Medical Examination re same.

William Whittington, AFMA Legal Counsel, noted that this meeting is Mr. Franco's opportunity to provide additional information or arguments that might encourage the Board to either change its previous denial decision, modify it or decide that there's enough additional information which would merit a reconsideration by the independent medical examiner.

Dale Norris, Mr. Franco's Legal Counsel, stated that he submitted to the Board Dr. Lederman's (Mr. Franco's personal doctor) treatment notes from an appointment in November 2019 where Dr. Lederman indicated his disagreement with the findings from Dr. Farber (AFMA's IME doctor) (letter dated December 11, 2019). In addition, he submitted documentation relating to the worker's compensation claim status indicating that Mr. Franco has now been declared permanently disabled, and that Dr. Lederman's opinion of Mr. Franco's condition is what was provided to the worker's compensation board for them to make their decision (letter dated February 4, 2020). Mr. Norris stated that he is asking the Board to resolve any gray areas with Dr. Farber's opinion or select another independent medical examiner.

In response to an inquiry, Mr. Norris confirmed that he had an adequate amount of time to fully review the documentation provided to him relating to the Franco case.

In response to an inquiry relating to discrepancies in injury dates listed on the applications, Faye Morcom, Human Resources Specialist noted that the various dates listed are application dates, and not dates of injury.

In response to an inquiry relating to discrepancy on body part injured, Mr. Franco stated that the body part injured is his left shoulder. Some of the agencies reporting have seen him for other ailments he is experiencing (none work related injuries), but the only injury relating to this disability application is relating to his left shoulder.

In response to an inquiry relating to his physical therapy sessions, Mr. Franco stated that his approved worker's compensation physical therapy sessions ended in August 2019.

**Board Member Bravo moved that the Local Public Safety Personnel Retirement System Governing Board submit the new documentation provided by Mr. Franco to the AFMA Independent Medical Examiner, Dr. Farber, to reassess his evaluation and to clarify his answers on the P5 form relating to Mr. Franco's disability status. Board Chairman Wilson seconded the motion.**

Vote conducted. **MOTION CARRIED.**

AYES: Bravo, Cheney, Price, Wilson  
NAYS: None  
ABSENT: Holcomb

**Board Chairman Wilson moved that the Local Public Safety Personnel Retirement System Governing Board recess the reconsideration of the Franco matter to April 9, 2020 at 9:00 a.m. Board Member Bravo seconded the motion.**

Vote conducted. **MOTION CARRIED.**

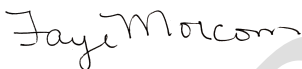
AYES: Bravo, Cheney, Price, Wilson  
NAYS: None  
ABSENT: Holcomb

**5. THE NEXT REGULAR BOARD MEETING**

The next meeting of the Local Public Safety Personnel Retirement System Governing Board will be held on April 9, 2020 at 9:00 a.m.

**6. ADJOURNMENT**

The meeting adjourned at 12:03 p.m.



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Faye Morcom, Secretary






# 2020-02-20 Minutes Pension Board - APPROVED

Final Audit Report

2020-04-14

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